

January 25, 2018

Mr. Kevin T. Garvey RLA  
D. S. Thaler & Associates Inc.  
7115 Ambassador Rd.  
P O Box 47428  
Baltimore MD 21244-7428

Re: The Villages of White Marsh  
Forest Buffer Variance, Parking Grading, Church Play Area  
Tracking No. 05-17-2623

Dear Mr. Garvey:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced project. This request proposes to allow 35,530 square feet of impact to the forest buffer to provide play areas for a relocated church, and to allow 1,342 square feet of impact to the forest buffer to provide road parking/sidewalk along Silver Oak Way for single family attached dwellings. The proposed play areas are currently fields, and the proposed parking area is pasture adjacent to an existing access road. The request proposes planting non-forested buffer areas on the project site to mitigate these impacts. The buffers are associated with tributaries to White Marsh Run (Use IV waters).

The road parking impact has been minimized and is due to grading requirements along the length of the parking and sidewalk area. This is also the area of the proposed path connection from the south side of the buffer. The church play areas are proposed to be maintained lawn areas with no permanent structures except for a connecting path that would be within the existing public water line right-of-way. This existing water line bisects the property to be utilized by the church, and much of this church area is also constrained by forest buffers as a stream and wetland channel run through the site. Except for the proposed stream crossing that is the subject of an alternatives analysis for this project, the play areas are proposed to leave a 50-foot non-disturbance area off the streams, and a 25-foot non-disturbance area off the non-tidal wetland. Both areas are to be planted with native trees.

This Department has reviewed your variance request, and has determined that a practical difficulty and unreasonable hardship do exist. It is acknowledged that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposed use of portions of the required forest buffer on the future church property for lawn play areas, and the reduction of the edge of the forest buffer for grading for parking/sidewalk along Silver Oak Way meets the

requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On January 25, 2018, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability (EPS) from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains to allow impacts to the forest buffer for church play areas and parking/sidewalk area for single family attached dwellings. The play areas are approved only for the current proposed site uses. If uses change, EPS may require that the play areas meet all covenants, conditions, and restrictions as recorded in land records. Conditions were placed on this variance to reduce water quality impacts.”

2. The proposed on-site planting of 36,872 square feet of forest buffer is acceptable for the mitigation. Due to roadside maintenance issues, the forest buffer easement limits for the Silver Oak Way impacts can be reduced as approved on the plan. The entire required buffer on the church property must be recorded as the use of lawn play areas with no permanent structures is only approved for that specific use for the use of the site as a church. Details of all mitigation and other forest buffer requirements for this variance and for the alternatives analysis for this project must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved and a security provided with the Environmental Agreement for the project.
3. The forest buffer easements shall be permanently posted with “Forest Buffer - Do Not Disturb” signs as outlined in the Forest Buffer Protection Plan (FBPP) required for this project.
4. The forest buffer easements, forest conservation easements, and forest buffer and forest conservation easements must be recorded in Baltimore County Land Records with the appropriate declarations of protective covenants, conditions, and restrictions via the record plat process.
5. The grading and sediment control plans must be reviewed and approved by this office.
6. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above or in the FBPP.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout or plan information may require approval of an amended variance request.

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Please have the property owners and contract purchaser sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL: pad

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I/We agree to the above conditions to bring this property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

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Contract Purchaser

Printed Name

Date